

JD

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ONE (1) SIG SAUER, MODEL P320, 9 MM
SEMI-AUTOMATIC PISTOL BEARING
SERIAL NUMBER 58C008744, and,

ONE (1) SIG SAUER, MODEL P320, 9 MM
SEMI-AUTOMATIC PISTOL BEARING
SERIAL NUMBER 58A108984

Defendants.

CIVIL ACTION

No. 18-CV- 4802

JURY TRIAL DEMANDED

COMPLAINT FOR FORFEITURE *IN REM*

The United States of America, plaintiff herein, by and through its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and Sarah L. Grieb and Joseph Minni, Assistant United States Attorneys, complains against the above-named defendant property and alleges as follows in accordance with Title 18, United States Code, Section 924(d)(1), and Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil action *in rem* to forfeit and condemn to the use and benefit of the United States of America certain firearms ("The Defendant Property" or "the two Sig Saurers") seized from a vehicle in Philadelphia, Pennsylvania, within the Eastern District of Pennsylvania, on April 23, 2018, by agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").

Arrest Warrant signed & given to Counsel → 11/16/18

2. The Defendant Property was involved in knowing violation of Title 18, United States Code, Section 922(g)(3), which makes it unlawful for any person, who is an unlawful user of or addicted to any controlled substance, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition.

3. The Defendant Property is forfeitable to the United States pursuant to Title 18, United States Code, Section 924(d)(1), which subjects to seizure and forfeiture any firearm or ammunition involved or used in knowing violations of, in part, Section 922(g).

JURISDICTION AND VENUE

4. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b)(1). Upon the filing of this complaint, the United States requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the United States will execute upon the Defendant Property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395, because a civil proceeding for forfeiture of property may be prosecuted in any district where the acts giving rise to forfeiture occur and where such property is found.

THE DEFENDANT IN REM

7. The Defendant Property consists of the following items:

- a. One (1) Sig Sauer, Model P320, 9 mm semi-automatic pistol bearing serial number 58C008744 and,

- b. One (1) Sig Sauer, Model P320, 9 mm semi-automatic pistol bearing serial number 58A108984.

BASIS FOR FORFEITURE

8. The Defendant Property is subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1), which provides for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 922(g).

FACTS

9. On January 26, 2018, the grand jury in the Northern District of Alabama returned an indictment of GERALD TALLEY, charging him with two counts of violating 18 U.S.C. § 922(a)(6), that is, making false statements to a Federal Firearms Licensee (FFL). The indictment alleges that TALLEY committed these offenses on June 11, 2017 and December 17, 2017, and, on each occasion, he purchased one firearm. An arrest warrant accompanied this indictment.

10. In or about April 2018, Deputy U.S. Marshal Chris Berdos, who was assigned to the United States Marshals Service Fugitive Task Force, received information from ATF regarding ATF's belief that GERALD TALLEY would be traveling to Philadelphia and that he may be in possession of and trafficking additional firearms.

11. On or about April 16, 2018, GERALD TALLEY flew from Chicago, Illinois to Philadelphia, Pennsylvania, and he was scheduled to fly out of Philadelphia on or about April 20, 2018.

12. On April 19, 2018, representatives from the United States Marshals Service Fugitive Task Force arrested GERALD TALLEY in Philadelphia after he departed his mother's residence carrying a backpack. Prior to his arrest, officers observed TALLEY enter a black Chevrolet Impala, that he had rented, and place the backpack on the front passenger seat.

13. During a search incident to arrest of GERALD TALLEY, officers found a knife on TALLEY's person. Officers also asked TALLEY if there were any additional weapons on his person or inside the rental car. TALLEY indicated that there may be a weapon inside his backpack that was located in his rental vehicle. The U.S. Marshals thereafter contacted ATF, and the vehicle was secured at ATF's secure facility.

14. A Deputy U.S. Marshal and ATF Agents noticed a strong odor emanating from the rental vehicle that, based on their training and experience, they recognized to be fresh marijuana.

15. Following his arrest in the Eastern District of Pennsylvania, GERALD TALLEY tested positive for marijuana as a result of a drug test conducted by the U.S. Pretrial Services Office.

16. GERALD TALLEY has been known to possess marijuana and firearms, and to store them in his vehicles. Specifically:

a. On or about January 2, 2008, TALLEY law enforcement officers in Delaware encountered TALLEY during a traffic stop for speeding. During a search of TALLEY, officers recovered a Taurus .357 caliber revolver from TALLEY's waistband. Officers also searched TALLEY's vehicle and recovered a Taurus 9mm pistol, a magazine with six rounds of .38 special ammunition, a box containing 32 rounds of .38 special ammunition, and three grams of marijuana. The Taurus 9mm pistol had previously been reported stolen, and the Taurus .357 revolver was traced to an original purchaser other than TALLEY. The charges against TALLEY regarding this incident were later dismissed.

b. On or about November 6, 2015, officers in Auburn, Georgia encountered TALLEY during a traffic stop for speeding. Officers searched TALLEY's vehicle and recovered

a Glock 9mm pistol and a glass jar containing one gram of marijuana. Officers arrested TALLEY and charged him with possession of marijuana. The charges against TALLEY were later dismissed. The Glock 9mm pistol, which was subsequently released from police custody to TALLEY, was later recovered by the Los Angeles Police Department on January 15, 2017 from a previously convicted felon.

c. On or about March 19, 2017, officers encountered GERALD TALLEY during a traffic stop in Heflin, Alabama. During the encounter, the officer noticed a strong odor of marijuana coming from the car. During this encounter, officers searched the car and recovered a total of 17 firearms and a small container of marijuana that were located in a backpack and two black garbage bags. Officers arrested TALLEY and charged him with possession of marijuana. TALLEY later pleaded guilty to a misdemeanor possession of marijuana charge in Cleburn County, Alabama. Also as a result of this incident, the United States commenced a federal civil forfeiture action in the Northern District of Alabama in which it seeks to forfeit the 17 firearms.

17. Based on GERALD TALLEY's continued use of marijuana and admission to officers that his rental car contained at least one firearm, on or about April 23, 2018, the Honorable Timothy R. Rice, United States Magistrate Judge for the Eastern District of Pennsylvania, issued a search and seizure warrant that authorized ATF agents to search the rental car and its contents. During the execution of this warrant, agents recovered, among other items: the two Sig Sauers which were each wrapped in a white shipping envelope with the serial numbers written on the front; five cellular telephones; an HP Pavilion Laptop; suspected marijuana inside of one pill container, another pill container with marijuana residue, and a marijuana grinder with some suspected marijuana seeds; and a handgun magazine containing ten

rounds of .45 caliber ammunition. The magazine did not fit in either firearm recovered in the vehicle. Also in the car were two brown cardboard boxes and a corresponding Staples receipt. The receipt indicated that on April 18, 2018, the day before agents arrested TALLEY, he purchased the cardboard boxes and other shipping materials.

18. During the course of their investigation, ATF agents have examined and obtained Firearms Trace Summary reports for the two Sig Sauers that they seized from GERALD TALLEY. Their examination and the reports indicate that the two Sig Sauers were imported into New Hampshire, purchased in Alabama, and manufactured outside of the state of Pennsylvania, which means the two Sig Sauers were involved in interstate and/or foreign commerce.

17. By reason of the foregoing facts, the Defendant Property is property involved in knowing violation of Title 18, United States Code, Section 922(g)(3). The Defendant Property, therefore, is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 924(d)(1).

WHEREFORE, the plaintiff, the United States of America, requests that:

1. The Defendant Property be proceeded against according to the law and rules of this Court and that due notice be given to all potential claimants to appear and show cause why forfeiture should not be decreed; and

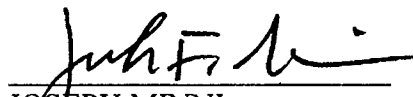
2. The Court, for the reasons set forth above, adjudge and decree that the Defendant Property be forfeited to the United States of America, and disposed of in accordance with the existing laws, together with costs, and for such other relief this Court deems proper and just.

Respectfully Submitted,

WILLIAM M. McSWAIN
United States Attorney



SARAH L. GRIEB
Assistant United States Attorney
Chief, Asset Recovery and
Financial Litigation Section



JOSEPH MINNI
Assistant United States Attorney
Deputy Chief, Asset Recovery and
Financial Litigation Section



JESSICA NATALI
Assistant United States Attorney

Dated: 11/05/18

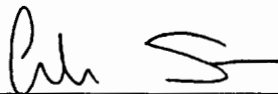
VERIFICATION

CHARLES DOERRER, being of legal age, pursuant to 28 U.S.C. §1746(2), verifies, declares, and states as follows:

1. I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives and I was assigned to the investigation of this case.
2. I have reviewed the forgoing Complaint for Forfeiture *in Rem* and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.
3. The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under penalty of perjury that the forgoing is true and correct.

Executed on 6th day of November, 2018 at Philadelphia, Pennsylvania



CHARLES DOERRER
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

CIVIL ACTION

Plaintiff,

V.

No. 18-CV-_____

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SEMI-AUTOMATIC PISTOL BEARING
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JURY TRIAL DEMANDED

**ONE (1) SIG SAUER, MODEL P320, 9 MM
SEMI-AUTOMATIC PISTOL BEARING
SERIAL NUMBER 58A108984**

Defendants.

DECLARATION OF ATF SPECIAL AGENT CHARLES DOERRER

CHARLES DOERRER, being of legal age, pursuant to 28 U.S.C. § 1746(2),
verifies, declares, and states as follows:

I. BACKGROUND

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since September 2003. Prior to joining ATF, I was a police officer for the City of Milwaukee Police Department in Wisconsin for four and a half years. I am currently assigned to a specialized enforcement group, the ATF Violent Crimes Task Force, whose primary mission is to investigate those individuals and groups that are engaged in the commission of federal firearms and narcotics violations. During my tenure as an ATF agent, I have been the affiant for approximately thirty federal search warrants, which have resulted in the seizure of firearms, narcotics, drug proceeds and other contraband. I

have conducted and participated in numerous investigations, which have resulted in the arrest and prosecution of individuals who have committed violations of federal law, including but not limited to firearms offenses, carjackings, Hobbs Act violations, narcotics trafficking and money laundering.

2. During the course of my law enforcement career, I have received extensive training regarding violations of federal law, with an emphasis on federal firearms violations. My law enforcement experience has included numerous investigations of firearm and drug-related offenses. These investigations have resulted in the seizure of various controlled substances and firearms. I have conducted numerous interviews with individuals charged with controlled substance and firearm violations.

3. I am a ATF Special Agent that is assigned to the investigation in this case.

4. The facts set forth in this Declaration summarize my investigation in this case, and include observations, along with review of reports and observations of other law enforcement officers involved in the investigation. This Declaration, however, does not detail the entire scope of the investigation or all statements made by the parties.

II. THE SEIZURE OF THE TWO SIG SAURERS

5. On January 26, 2018, the grand jury in the Northern District of Alabama returned an indictment of GERALD TALLEY, charging him with two counts of violating 18 U.S.C. § 922(a)(6), that is, making false statements to a Federal Firearms Licensee (FFL). The indictment alleges that TALLEY committed these offenses on June 11, 2017 and December 17, 2017, and, on each occasion, he purchased one firearm. An arrest warrant accompanied this indictment.

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11. Following his arrest in the Eastern District of Pennsylvania, GERALD TALLEY tested positive for marijuana as a result of a drug test conducted by the U.S. Pretrial Services Office.

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States commenced a federal civil forfeiture action in the Northern District of Alabama in which it seeks to forfeit the 17 firearms.

13. Based on GERALD TALLEY's continued use of marijuana and admission to officers that his rental car contained at least one firearm, on or about April 23, 2018, I applied for a federal search warrant in the Eastern District of Pennsylvania. That same day, the Honorable Timothy R. Rice, United States Magistrate Judge for the Eastern District of Pennsylvania, issued a search and seizure warrant that authorized myself and other ATF agents to search the rental car and its contents. During the execution of this warrant, I recovered, among other items: the two Sig Sauer's which were each wrapped in a white shipping envelope with the serial numbers written on the front; five cellular telephones; an HP Pavilion Laptop; suspected marijuana inside of one pill container, another pill container with marijuana residue, and a marijuana grinder with some suspected marijuana seeds; and a handgun magazine containing ten rounds of .45 caliber ammunition. The magazine did not fit in either firearm recovered in the vehicle. Also in the car were two brown cardboard boxes and a corresponding Staples receipt. The receipt indicated that on April 18, 2018, the day before agents arrested TALLEY, he purchased the cardboard boxes and other shipping materials.

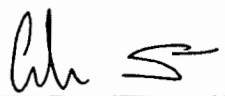
14. During the course of their investigation, I along with other ATF agents have examined and obtained Firearms Trace Summary reports for the two Sig Sauer's that we seized from GERALD TALLEY's vehicle. Our examination and the reports indicate that the two Sig Sauer's were imported into New Hampshire, purchased in Alabama, and manufactured outside of the state of Pennsylvania, which means the two Sig Sauer's were involved in interstate and/or foreign commerce.

III. CONCLUSION

18. Based on the foregoing, there is reason to believe that the Two Sig Sauers seized from GERALD TALLEY on April 23, 2018 constitutes property involved in, designed or intended for a knowing violation of Title 18 United States Code, Section 922(g)(3) (possession of a firearm by a user of a controlled substance) and is therefore subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d)(1).

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2018 at Philadelphia, Pennsylvania.

 11-06-18

CHARLES DOERRER
Special Agent
Alcohol, Tobacco, Firearms and Explosives

CIVIL COVER SHEET

18-cv-4802

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff N/A
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jessica Natali, AUSA - United States Attorney's Office
615 Chestnut Street, Suite 1250; Philadelphia, PA 19106-4476
(215) 861-8200

DEFENDANTS

One Sig Sauer, Model P320, et al.

County of Residence of First Listed Defendant Unknown
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)
N/A

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
| Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

18 U.S.C. §§ 922(g)(3), 924, 983

Brief description of cause

Civil action to forfeit two hand guns based on violation of 18 U.S.C. § 922(g)(3)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE Dubois

DOCKET NUMBER 18-MC-175

DATE

11/06/2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

NOV 06 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

UNITED STATES OF AMERICA

CIVIL ACTION

v.

ONE SIG SUER; MODEL P320, et al.

NO. 18-CV-

4802

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

November 6, 2018

Jessica Natali

United States of America

Date**Attorney-at-law****Attorney for**

(215) 861-8200

(215) 861-8618

jessica.natali@usdoj.gov

Telephone**FAX Number****E-Mail Address**

(Civ. 660) 10/02

NOV 06 2018

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: c/o United States Attorney's Office, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Address of Defendant: c/o United States Marshals Service, Eastern District of Pennsylvania

Place of Accident, Incident or Transaction: Philadelphia, Pennsylvania

THIS CASE IS RELATED TO: Judge Dubois

CIVIL ACTION NO. 18-mc-175
CRIMINAL NO.

ASSIGNED TO:

Date Terminated N/A

Within one year Yes ☒ No ☐Prior suit Yes ☐ No ☒Earlier Yes ☐ No ☒Civil rights Yes ☐ No ☒

Now pending or within one year previously terminated action in

DATE 11/06/2018

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable) 86507

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases
(Please specify) Asset Forfeiture

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify)
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Jessica Natali, AUSA, counsel of record or pro se plaintiff, do hereby certify

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs☒ Relief other than monetary damages is sought

DATE 11/06/2018

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable) 86507

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

NOV 06 2018